

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:08-cr-0138-WTL-DML-01
)	
CHARLES SUGGS,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On January 6, 2017, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on February 29, 2016. Defendant Suggs appeared in person with his appointed counsel Dominic Martin. The government appeared by Matthew Rinka, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Chris Dougherty.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Suggs of his rights and ensured he had a copy of the Petition. Defendant Suggs waived his right to a preliminary hearing.

2. After being placed under oath, Defendant Suggs admitted violation no. 1.
[Docket No. 63.]

3. The allegations to which Defendant admitted, as fully set forth in the petition, are as follows:

**Violation
Number**

Nature of Noncompliance

- 1 **“The defendant shall not commit another federal, state, or local crime.”**

On February 6, 2016, a Theft report was filed with Indianapolis Metropolitan Police Department. The loss prevention officer at Walmart, located at 4545 Lafayette Road, Indianapolis, contacted police. He reported that on that same date, Charles Suggs, a former employee, who worked through a temporary service, entered the store prior to opening, grabbed several Walmart bags and filled them with eighteen cartons of Newport cigarettes, with a value of at least \$750, and exited the store. This case was filed as Theft, Level 6 felony, in Marion County Superior Court, on February 17, 2016, under cause number 49G181602F6006354. The offender was arrested on the warrant on February 24, 2016, he appeared for an Initial Hearing on February 25, 2016, and a bond was set at \$500. The offender remains in state custody. He has a pretrial conference scheduled for March 10, 2016.

4. The government orally moved to dismiss violation nos. 2 through 5 and the Court granted the same.

5. The parties stipulated that:

- (a) Violation no. 1 is a Grade B violation.
- (b) Defendant’s criminal history category is IV.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 12 to 18 months’ imprisonment.

6. The parties jointly recommended a sentence of eighteen (18) months with no supervised release to follow. Defendant requested placement at FCI Memphis.


The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, recommends that the Court find that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of eighteen (18)

months with no supervised release to follow. The Magistrate Judge further recommends that the Court make a recommendation to the Bureau of Prisons to place Defendant at FCI Memphis.

The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties were advised they have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge and both parties waived their period to object.

Dated: 13 JAN 2017



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email generated by the court's ECF system

United States Probation Office, United States Marshal